

REMARKS

Claims 2-3, 5-14 and 23-30 are pending in the application. Claims 1, 4, 15-22 and 31 were previously cancelled. In the present amendment, Claims 8, 13 and 25 are amended.

In the present Office action, Claims 2-3, 5-7, 10-14, 23-24 and 27 stand rejected. Applicants gratefully acknowledge the allowance of Claims 28-30 and the Examiner's indication that Claims 8-9 and 25-26 include allowable subject matter.

Allowable original Claim 8 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, newly independent Claim 8 is allowable. Claim 9 depends from allowable independent Claim 8 and is allowable for the same and other reasons.

Allowable original Claim 25 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, newly independent Claim 25 is allowable. Claim 26 depends from allowable independent Claim 25 and is allowable for the same and other reasons.

Claims 2-3, 5-7, 10-14, 23-24 and 27 stand rejected under the cited prior art. Specifically, Claims 2-3, 5-7, 10-14, 23-24 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,007,172 ("Palm") in view of U.S. Patent No. 5,987,758 ("McCurry"). Reconsideration of the rejections is respectfully requested.

Independent Claim 7 defines a reciprocating saw comprising a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever is supported on the first grip surface such that, during operation of the saw, the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the

locking assembly. The locking assembly includes a locking member engageable with the shoe support member. The lever is operable to move the locking member between a locked position, in which the locking member engages the shoe support member to lock the shoe support member in a position relative to the housing, and an unlocked position, in which the shoe support member is movable relative to the housing. The locking member has a first end and a second end, and the lever engages the first end and the second end of the locking member.

Palm discloses a reciprocating saw including a gear case 22 supporting a reciprocating spindle 26. The gear case 22 is provided with a hole 28, which receives a post 30 of a shoe 32. The rear portion of the post 30 includes grooves 36, 38, 40 separated by lands 42, 44 which lie in a plane which is below the plane of the flat 46 provided on a pin 48. The pin 48 is rotatably mounted in the gear case 22 transverse the axis of the post 30 so that, when the pin 48 is rotated to position the flat 46 parallel to the lands 42, 44, the post 30 can be moved freely in the hole 28 to adjust the position of the shoe 32 relative to the saw blade. To rotate the pin 48, the user actuates the lever 52 mounted on the outer end of the pin 48. When the shoe 32 is in the desired position, the pin 48 is rotated to move the round portion 50 of the pin into registry with one of the grooves 36, 38, 40 in the post 30 to lock the post 30 and shoe 32.

As acknowledged by the Examiner, Palm does not teach or suggest a reciprocating saw comprising, among other things, a locking assembly operable to lock the shoe support member in a position relative to the housing, the locking assembly including a locking member having a first end and a second end, the reciprocating saw further comprising a lever engaging the first end and the second end of the locking member. Rather, in Palm, the lever 52 engages only the outer end 54 of the pin 48. As shown in Fig. 4 of Palm, the lever 52 does not engage the opposite end of the pin 48. There is no teaching or suggestion in Palm that the lever 52 should or could engage the opposite end of the pin 48. For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 7.

McCurry does not cure the deficiencies of Palm. McCurry discloses a jigsaw 10 having a blade clamp 12. A drive shaft 20 includes a first end 22 connected to a drive mechanism and a second end 24 which supports the blade clamp 12. The blade clamp 12 accepts an elongated blade 26 and holds the elongated blade 26 below a surface plate 28 attached to the motor housing 14 for reciprocating movement along a longitudinal shaft axis 30.

In the jigsaw of McCurry, pivot joints 46 extend outwardly from opposite sides of a blade clamp housing 34 and support a lever 44 having a handle 48. A pair of elongated links 50, each having a first end 52 provided with a link pin 54, are connected to the lever 44 via a pair of arcuate slots 56 located on either side of the lever 44 into which the link pins 54 are slidably engageable. A second end 58 of each link 50 is provided with a link attachment knob 60. A pair of coiled springs 62 each have a first end 64 adapted for attachment to the link attachment knobs 60 and a second end 66 adapted for attachment to a pair of lever attachment knobs 68 provided on the lever 44 spaced from the pivot joints 46. A cylindrical roller 70 is pivotably connected between the links 50 by a roller pin 72 inserted through roller 70 and accepted into a recess 74 provided on each link 50. The roller 70 has a roller axis 76 perpendicular to the axis of the blade 26 and is movable along a track 80 formed in the blade clamp housing 34. Together, the lever 44, the links 50 and roller 70 hold the blade 26 in a channel 82 during cutting operations.

McCurry does not teach or suggest a reciprocating saw comprising, among other things, a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand and that the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. Rather, McCurry discloses a jigsaw 10 including a motor housing 14 and a handle extending upwardly and outwardly from the motor housing 14. During operation, an operator grasps the handle with a first hand and, for two-handed operation, presumably grasps another portion of the motor housing 14 with a second hand. Also, in McCurry, the lever 44 is adjacent to the saw blade 26 and cannot be safely held by an operator during operation of the jigsaw 10.

McCurry also does not teach or suggest a shoe support member supporting the shoe, the shoe support member being movably supported by the housing. McCurry also does not teach or suggest a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14 and a blade clamp 12 for holding the blade 26 during cutting operations. For these

and other reasons, McCurry does not teach or suggest the subject matter defined by independent Claim 7.

Applicants realize that the Examiner is relying on McCurry only for the teaching of a locking assembly including a locking member having a first end and a second end, and a lever engaging the first end and the second end of the locking member. However, Applicants respectfully contend that the lack of the above-described elements in the teachings of McCurry is relevant because McCurry does not teach or suggest many of the same things lacking from Palm, and, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Further, in establishing a *prima facie* case of obviousness, the Examiner must provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Applicants' disclosure. In addition, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so.

The Examiner contends that it would have been obvious to modify the reciprocating saw disclosed by Palm to include the lever disclosed by McCurry "in order to obtain a quick release of the locking member." See Office action, dated May 27, 2003, paragraph 2. However, Palm already discloses a quick change or "quick release" guide shoe. As shown in Fig. 4 of Palm, the lever 52 does not engage the opposite end of the pin 48, and there is no teaching or suggestion that Palm's quick change guide shoe should or could be modified so that the lever 52 engages the opposite end of the pin 48. For these and other reasons, Applicants respectfully submit that the Examiner has not identified any teaching or suggestion in the references that these references should be combined and that, in fact, there is no teaching or suggestion in the references that these references should be combined.

In summary, Palm and McCurry, alone or in combination, do not teach or suggest all of the claim limitations of independent Claim 7. Further, there is no teaching or suggestion in the references that the references should or could be combined. Therefore, Applicants respectfully

submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 7 based upon the prior art as required by 35 U.S.C. §103.

For these reasons, Palm and McCurry, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 7. Accordingly, independent Claim 7 is allowable. Dependent Claims 2-6 and 8-9 depend from independent Claim 7 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims provides separate bases for allowance.

Independent Claim 10 defines a reciprocating saw comprising a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever is supported on the first grip surface such that, during operation of the saw, the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. The reciprocating saw is defined as further comprising a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel. Rather, Palm discloses that the gear case 22 is provided with a hole 28 which receives the post 30 of the shoe 32. Palm does not teach or suggest any structure corresponding to a retainer member supported by the housing. For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 10.

McCurry does not cure the deficiencies of Palm. McCurry does not teach or suggest a reciprocating saw comprising, among other things, a housing including a first grip surface for an

operator's first hand and a second grip surface for an operator's second hand and that the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. Rather, McCurry discloses a jigsaw 10 including a motor housing 14 and a handle extending upwardly and outwardly from the motor housing 14. During operation an operator grasps the handle with a first hand and, for two handed-operation, presumably grasps another portion of the motor housing 14 with a second hand. Also, in McCurry, the lever 44 is adjacent to the saw blade 26 and cannot be safely held by an operator during operation of the jigsaw 10.

McCurry also does not teach or suggest a shoe support member supporting the shoe, the shoe support member being movably supported by the housing. Also, McCurry does not teach or suggest a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14 and a blade clamp 12 for holding the saw blade 26 during cutting operations.

In addition, McCurry does not teach or suggest a retainer member supported by the housing and defining a channel, and that the shoe support member is movable in the channel. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14. For these and other reasons, McCurry does not teach or suggest the subject matter defined by independent Claim 10.

The Examiner appears to be relying on McCurry only for the teaching of a locking assembly including a locking member having a first end and a second end, and a lever engaging the first end and the second end of the locking member and not for any teaching or suggestion relating to a retainer member. Applicants respectfully contend that the lack of the above-described elements in the teachings of McCurry is relevant because McCurry does not teach or suggest many of the same things lacking from Palm, and, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

In summary, Palm and McCurry, alone or in combination do not teach or suggest all of the claim limitations of independent Claim 10. Further, there is no teaching or suggestion in the references that the references should or could be combined. Therefore, Applicants respectfully

submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 10 based upon the prior art as required by 35 U.S.C. §103.

For these reasons, Palm and McCurry, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 10. Accordingly, independent Claim 10 is allowable. Dependent Claims 11-12 depend from independent Claim 10 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims provides separate bases for allowance.

Independent Claim 13 defines a reciprocating saw comprising a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing, the lever being supported on the first grip surface such that, during operation of the saw, the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly, and a retainer member supported by the housing and defining a channel. Claim 13 specifies that the shoe support member is movable in the channel, and that the housing defines a slot, the retainer member being supported in the slot.

In the final Office action, dated September 11, 2002, the Examiner indicated that Claim 13 included allowable subject matter and would be allowable if amended into independent form. The Examiner has now rejected independent Claim 13 as being obvious over Palm in view of McCurry.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel. Also, Palm does not teach or suggest the housing defining a slot, the retainer member being supported in the slot. Rather, Palm discloses that the gear case 22 is

provided with a hole 28 which receives the post 30 of the shoe 32. Palm does not teach or suggest any structure corresponding to a retainer member supported by the housing. Further, in Palm, there is no teaching or suggestion that the reciprocating saw should or could include such a retainer member. For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 13.

McCurry does not cure the deficiencies of Palm. McCurry does not teach or suggest a reciprocating saw comprising, among other things, a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand and that the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. Rather, McCurry discloses a jigsaw 10 including a motor housing 14 and a handle extending upwardly and outwardly from the motor housing 14. During operation, an operator grasps the handle with a first hand and, for two handed-operation, presumably grasps another portion of the motor housing 14 with a second hand. Also, in McCurry, the lever 44 is adjacent to the saw blade 26 and cannot be safely held by an operator during operation of the jigsaw 10.

McCurry also does not teach or suggest a shoe support member supporting the shoe, the shoe support member being movably supported by the housing. McCurry also does not teach or suggest a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14 and a blade clamp 12 for holding the blade 26 during cutting operations.

In addition, McCurry does not teach or suggest a retainer member supported by the housing and defining a channel, and that the shoe support member is movable in the channel. Also, McCurry does not teach or suggest the housing defining a slot, the retainer member being supported in the slot. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14. For these and other reasons, McCurry does not teach or suggest the subject matter defined by independent Claim 13.

Again, the Examiner appears to be relying on McCurry only for the teaching of a locking assembly including a locking member having a first end and a second end, and a lever engaging

the first end and the second end of the locking member and not for any teaching or suggestion relating to a retainer member. Applicants respectfully contend that the lack of the above-described elements in the teachings of McCurry is relevant because McCurry does not teach or suggest many of the same things lacking from Palm, and, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

In summary, Palm and McCurry, alone or in combination do not teach or suggest all of the claim limitations of independent Claim 13. Further, there is no teaching or suggestion in the references that the references should or could be combined. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 13 based upon the prior art as required by 35 U.S.C. §103.

For these reasons, Palm and McCurry, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 13. Accordingly, independent Claim 13 is allowable.

Independent Claim 14 defines a reciprocating saw comprising a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing, the lever being supported on the first grip surface such that, during operation of the saw, the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly, and a retainer member supported by the housing and defining a channel. Claim 14 specifies that the shoe support member is movable in the channel. Claim 14 further specifies that the locking assembly includes a locking member engageable with the shoe support member to lock the shoe support member in a position relative to the housing, the locking member including a first end and a second end, and that the retainer member defines a first

opening and a second opening respectively receiving the first end and the second end of the locking member.

In the final Office action, dated September 11, 2002, the Examiner indicated that Claim 14 also included allowable subject matter and would be allowable if amended into independent form. The Examiner has also now rejected independent Claim 14 as being obvious over Palm in view of McCurry.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel. Palm does not teach or suggest any structure corresponding to a retainer member or such a retainer member receiving the first end and the second end of the locking member. Rather, in Palm, the pin 48 extends through a hole in the gear case 22, and the ends of the pins 48 are not received in a retainer member.

Also, Palm does not teach or suggest a locking assembly operable to lock the shoe support member in a position relative to the housing, the locking assembly including a locking member having a first end and a second end, the retainer member defining a first opening and a second opening respectively receiving the first end and the second end of the locking member. Rather, in Palm, the lever 52 engages only the outer end 54 of the pin 48. As shown in Fig. 4 of Palm, the lever 52 does not engage the opposite end of the pin 48. There is no teaching or suggestion in Palm that the lever 52 should or could engage the opposite end of the pin 48. For these and other reasons, Palm does not teach or suggest the subject matter of independent Claim 14.

McCurry does not cure the deficiencies of Palm. McCurry does not teach or suggest a reciprocating saw comprising, among other things, a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand and that the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. Rather, McCurry discloses a jigsaw 10 including a motor housing 14 and a handle extending upwardly and outwardly from the motor housing 14. During operation, an operator grasps the handle with a first hand and, for two handed-operation, presumably grasps another portion of the motor housing 14 with a second hand. Also, in McCurry, the lever 44 is adjacent to the saw blade 26 and cannot be safely held by an operator during operation of the jigsaw 10.

McCurry also does not teach or suggest a shoe support member supporting the shoe, the shoe support member being movably supported by the housing. McCurry also does not teach or suggest a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14 and a blade clamp 12 for holding the blade 26 during cutting operations.

In addition, McCurry does not teach or suggest a retainer member supported by the housing and defining a channel, and that the shoe support member is movable in the channel. Further, McCurry does not teach or suggest such a retainer member defining a first opening and a second opening respectively receiving the first end and the second end of the locking member. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the motor housing 14. In McCurry, there is no retainer member supported by the housing which receives the ends of a locking member. For these and other reasons, McCurry does not teach or suggest the subject matter defined by independent Claim 14.

Again, the Examiner appears to be relying on McCurry only for the teaching of a locking assembly including a locking member having a first end and a second end and a lever engaging the first end and the second end of the locking member and not for any teaching or suggestion relating to a retainer member. However, Applicants respectfully contend that the lack of the above-described elements in the teachings of McCurry is relevant because McCurry does not teach or suggest many of the same things lacking from Palm, and, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

In summary, Palm and McCurry, alone or in combination, do not teach or suggest all of the claim limitations of independent Claim 14. Further, there is no teaching or suggestion in the references that the references should or could be combined. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 14 based upon the prior art as required by 35 U.S.C. §103.

For these reasons, Palm and McCurry, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 14. Accordingly, independent Claim 14 is allowable.

Independent Claim 23 defines a reciprocating saw comprising a housing, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, the locking assembly including a locking member engageable with the shoe support member, the locking member having a first end and a second end, and a lever operable to move the locking member between a locked position, in which the locking member engages the shoe support member to lock the shoe support member in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever engages the first end and the second end of the locking member.

As acknowledged by the Examiner, Palm does not teach or suggest a reciprocating saw comprising, among other things, a locking member including a first end and a second end, and a lever engaging the first end and the second end of the locking member. Rather, in Palm, the lever 52 engages only the outer end 54 of the pin 48. As shown in Fig. 4 of Palm, the lever 52 does not engage the opposite end of the pin 48. There is no teaching or suggestion in Palm that the lever 52 should or could engage the opposite end of the pin 48. For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 23.

McCurry does not cure the deficiencies of Palm. McCurry does not teach or suggest a reciprocating saw comprising, among other things, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing. McCurry also does not teach or suggest a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. Rather, McCurry discloses a jigsaw 10 with a surface plate 28 fixedly coupled to a lower portion of the

motor housing 14 and a blade clamp 12 for holding the blade 26 during cutting operations. For these reasons, McCurry does not teach or suggest the subject matter defined by independent Claim 23.

Again, Applicants realize that the Examiner is relying on McCurry only for the teaching of a locking assembly including a locking member having a first end and a second end, and a lever engaging the first end and the second end of the locking member. However, Applicants respectfully contend that the lack of the above-described elements in the teachings of McCurry is relevant because McCurry does not teach or suggest many of the same things lacking from Palm, and, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Further, there is no teaching or suggestion in Palm or McCurry that the teachings of these references should be combined. In fact, these references actually teach away from the combination suggested by the Examiner.

Rather than re-present the arguments set forth above with respect to this contention, for brevity's sake, Applicants refer to the discussion above for Claim 7. With respect to this claim, the same arguments apply to the lack of a suggestion in the references that the teachings of the references should or could be combined.

In summary, Palm and McCurry, alone or in combination, do not teach or suggest all of the claim limitations of independent Claim 23. Further, there is no teaching or suggestion in the references that the references should or could be combined. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claim 23 based upon the prior art as required by 35 U.S.C. §103.

For these reasons, Palm and McCurry, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 23. Accordingly, independent Claim 23 is allowable. Dependent Claims 24-27 depend from Claim 23 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims provides separate bases for allowance.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the present Amendment and allowance of Claims 2-3, 5-14 and 23-27, in addition to the previous allowance of Claims 28-30.

During normal business hours, the undersigned and Applicants' Representative Stephen A. Gigot are available at the telephone number listed below.

Respectfully submitted,



Edward R. Lawson Jr.
Reg. No. 41,931

File No. 66042-9223-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560